

## **REMARKS / ARGUMENTS**

Applicant respectfully requests the cancellation of claims 4 and 10, as well as permission to amend claims 1, and 6-9 after final rejection pursuant to Rule 1.116.

Applicant gratefully acknowledges the Examiner's indication on page 6 of Paper No. 9, wherein the Examiner notes that "Applicant's claim as currently written does not preclude a spinnerette body comprised of two structures together." Prior to this indication by the Examiner, the Applicant was uncertain as to which particular aspect of the present invention, as originally disclosed in the specification and the drawings, it was necessary to emphasize in order to overcome the Examiner's rejections with reference to the prior art of record.

As these proposed amendments neither introduce new matter, require further searching of the prior art by the Examiner, nor raise any questions of support under 35 U.S.C. § 112, Applicant respectfully requests that these proposed amendments be entered and reconsideration is respectfully requested.

### **In the Claims**

Claims 1-10 are pending in this application. Claim 5 had previously been cancelled. Claim 11 had previously been withdrawn from consideration.

In this response, claims 4 and 10 have been currently cancelled, and claims 1, and 6-9 are currently amended. Claims 2 and 3 remain as originally filed.

Claim 1 has been amended to include the limitation that the spinnerette body be of a unitary design. Support for this amendment may be found in Figure

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2 and Figure 3, where it is illustrated that the spinnerette body 110, is to be manufactured from a single piece of material. One of ordinary skill in the art of metal fabrication and machining would find that this is unambiguously indicated by the consistent hash-marking over the entirety of spinnerette body 110, indicating a single piece of material.

Further support for this amendment can be found in the specification, generally between page 5, line 7 through page 6 line 3, wherein it is stated that :

- "A proximal end of each needle 130 is secured in a respective needle mounting hole 111 *formed in spinnerette body 110.*" (page 5, lines 7 through 8, emphasis added)
- "Bore forming fluid passage 112 is *formed in spinnerette body 110,* ..." (page 5, line 20, emphasis added)
- "Fiber-forming material passages 150 *are formed in spinnerette body 110 ...*" (page 5, line 27, emphasis added)
- "Each fiber-forming material passage 150 also includes a transverse passage 152 that extends from fiber-forming inlet port 151 to a top portion of annular passage 153 that *defines the upper portion of extrusion orifice 155.*" (page 5, line 30 through page 6, line 3, emphasis added)

Therefore, all the elements of the spinnerette body defined in claim 1 are clearly indicated to have been formed in, and hence part of, the same, unitary spinnerette body.

Claims 6-9 have been amended to address issues of antecedence.

### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1-5 and 6-9 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Moore, Sr. '512.

Applicant has amended independent claim 1 to introduce the limitation that the spinnerette body be of a unitary design. As this limitation is not found in Moore, Sr. '512, this amendment renders such rejection moot.

Claims 1-3, and 9 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Coplan et al '877.

Applicant has amended independent claim 1 to include the limitation previously required by claim 4, which has been cancelled, that the spinnerette assembly be comprised of a spinnerette body and a bottom plate. As this limitation is not found in Coplan et al '877, this amendment renders such rejection moot.

### **Claim Rejections Under 35 U.S.C. § 103**

Claim 10 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Moore, Sr. '512 in view of Ogata '571. Applicant has cancelled claim 10, and this rejection has been rendered moot.

### **Obviousness Type Double Patenting Claim Rejections**

Claims 1-4, and 6-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 6-9 and 24 or claims 12-15, 17-20 and 24 of copending Application number

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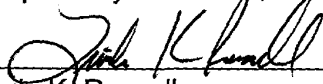
09/733,303. Applicant respectfully submits that this rejection has been overcome by the concurrent filing of a Terminal Disclaimer.

### CONCLUSION

In view of the current amendments, the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited.

Should the Examiner believe that a telephone call would expedite prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

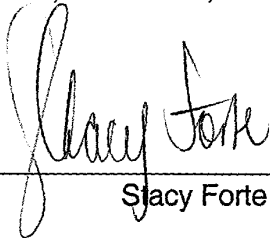
  
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Linda K. Russell  
Registration No. 34,918

Date: September 8, 2003  
Air Liquide  
2700 Post Oak Blvd., Suite 1800  
Houston, Texas 77056  
(713) 624-8956 Phone  
(713) 624-8950 Fax

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**CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8<sup>th</sup> day of September, 2003.

  
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Stacy Forte